

**REMARKS**

Claims 1-4, 7-18, 21-30, 33-55, 58-62 and 65-71 were pending in the present application. By virtue of this response, Claims 1, 15, 27, 47, and 59 have been amended. Accordingly, Claims 1-4, 7-18, 21-30, 33-55, 58-62 and 65-71 are currently under consideration. Amendment of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

**Claim Rejections/Objections**

Claims 1-4, 8-11, 13-18, 21-23, 25-30, 33-43, 45-55, 58-62, 65-68 and 70-71 stand rejected under 35 U.S.C. §103(a) as unpatentable over Sako et al. (JP 09-098381), and further in view of Kawara et al. (U.S. 6,278,836).

Claims 12, 24, 44 and 69 stand rejected under 35 U.S.C. §103(a) as unpatentable over Sako et al. and Kawara further in view of Quan (U.S. 6,421,497).

Claims 47 and 51 were objected to for reciting “decoder.”

**Claim Objections**

With response to the objection to Claims 47 and 51, Claims 47 and 51 have been amended to read more closely on the specification (as published by the PCT) paragraph 59 which states in pertinent part with respect to FIG. 4A “The video decoder 65 conventionally separates the composite video signal (including color burst and sync pulses) coming in as one stream down to three streams: luma, also called luminance (Y) and two color (chrominance) different signals...” (Emphasis added).

Also shown in FIG. 4A is the subsequent “MPEG coder 66” which, however, is not recited in Claim 47. Hence the term ““decoder” here refers to separating the (digital) composite video into (digital) component video. While the subsequent MPEG coder 66 is present in the circuit

depicted in FIG. 4A, there is no requirement, it is respectfully submitted, that the coder 66 be recited in the claim since the claim is clear and unambiguous as it stands at least with the current amendment. Note that this amendment to Claim 47 reciting "video decoder...which separates a composite video signal into luminance and chrominance signals" is strictly to overcome this objection and not for reasons of patentability otherwise. Further, it is not intended to narrow the claim.

Therefore it is submitted that the claim objection is overcome.

#### New Feature

Each independent claim has been amended to recite a feature not earlier recited in the claims, but in the specification at paragraph 35 which states in pertinent part:

The third example uses the FIG. 1 APS state 3 (AGC on and color stripe 4 line on, for instance) as a pointer as an indication to look elsewhere in the video signal for an encoded indication of the total number of storage duration units (e.g. 90 minute units) to be allowed for that program. For instance, one location for this encoded indication is scan lines 21-22 of NTSC video,... Another place to put the encoded number of storage duration units is in a watermark including the number. Typically this number would be an indication of the number of time units (for instance 90 minutes)...that the storage is to be permitted to persist. (Emphasis added.)

So this is a sophisticated way of indicating the amount of time for which storage is permitted. First, rather than just stating an amount of time or a final (termination) date, this uses a number of time units. Second, rather than encoding the time or number of time units themselves in the APS state, the APS state is a pointer to another location in the video signal, e.g. where there is room for additional data, which is as recited in the claim scan lines 21-22 or a watermark.

Advantageously this provides a sophisticated downstream digital storage control specified in number of time duration units and allocating as needed a large amount of space in the

video signal for this number of time units, rather than limiting this to being encoded in the actual APS states themselves.

### References

It is respectfully submitted that none of the cited references show anything like this. Quan is directed to a method of reducing the effects of the copy protection signals and so is not particularly relevant.

Sako was cited by the Examiner to show use of the copy protection signals as an encoded method of carrying copy protection information. Sako refers to this, as cited by the Examiner at Sako paragraph 25, as “copy management information”. However Sako restricts this copy management information simply to (1) an off state and (2) an indication of allowing subsequent digital storage, as stated by the Examiner on the bottom of page 5, carrying over to the top of page 6 of the Action. As the Examiner stated on page 6 of the Action, second paragraph, with regard to Sako “They do not include an indication of how long to allow subsequent digital storage.”

Therefore the Examiner cited in the Action at page 6 Kawara column 33, line 65, carrying over to column 3, line 1, and column 34, lines 8-12, as showing time restrictions on video reproduction.

The Examiner in the Action indicates that the Kawara video signal carries data to control the time for which a program may be used. However Kawara goes no further than this. Since Kawara’s information is on an optical disc (see column 1, line 13) or equivalent, which of course is a digital storage medium, he puts this information in the digital information format in his Figure 20(a) showing the sales year, copy inhibit period, etc. This requires a relatively large number (192) of digital bits. Clearly this is more complicated than any sort of APS coding system which only carries a few bits by its nature and is the type in Sako. Hence the Kawara system is well adapted to digital video, but not for analog video. Of course Sako is directed to analog video, as are each of the present claims, for instance see Claim 1 “A method of encoding an analog video signal”.

Moreover Kawara, while he discusses use of this digital information in a video signal indicating the amount of time for which copy is to be restricted, does not specifically say where this indication appears in terms of any analog video signal. This is because he is only concerned with digital video. Also Kawara does not express the amount of time for which copying is restricted in terms of time units which are arbitrary or alterable (parameters) but instead in terms of years and months, see his FIG. 20(a).

#### Claims Distinguish Over References

Therefore it is respectfully submitted that Claim 1 as amended distinguishes over even the combination of references, at least because the ultimate clause of Claim 1 now recites “wherein the indication of how long to allow subsequent digital storage is a pointer to video scan lines 21-22 or a watermark in the analog video signal for a number indicating a number of digital storage duration units.” This reads on the specification paragraph 35 as pointed out above.

This amendatory subject matter has several elements not shown in either of the relevant references, Kawara or Sako. First, the Examiner acknowledged (see above) that Sako does not indicate how long to allow subsequent digital storage. Second, Sako does not have any pointers. He instead uses an APS type coding. Further, he does not have anything “indicating a number of digital storage duration units.” Further of course Sako does not specify digital storage at all.

As regards Kawara, the Examiner states that Kawara indicates how long to allow subsequent digital storage. However clearly Kawara has no “pointer”. Instead he inserts in the video signal the actual time data as shown in Kawara FIG. 20(a) and in the Kawara passage cited by the Examiner. Moreover Kawara does not locate the time data in “video scan lines 21-22” or a “watermark” as now recited in Claim 1. Instead Kawara uses the system shown in his FIG. 20(a) of putting this information in digital form and not in any particular part of any analog video signal. Moreover of course he does not include “a number of digital storage duration units.” Instead he specifies months and years (see FIG. 20(a)) for which copying is to be inhibited. This is an absolute time approach rather than using a number of digital storage duration units.

specifies months and years (see FIG. 20(a)) for which copying is to be inhibited. This is an absolute time approach rather than using a number of digital storage duration units.

Hence for each of these reasons, Claim 1 as amended distinguishes over the references even in combination.

#### Other Claims

Each of the other independent claims is amended identically to Claim 1, and so distinguishes over the references for at least the same reasons. All dependent claims are allowable for at least the same reasons as their respective base claims.

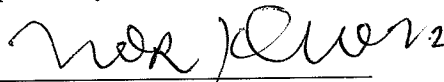
**CONCLUSION**

In view of the above, all presently pending claims in this application are believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Attorney Docket No. 136922003400.

Dated: August 19, 2009

Respectfully submitted,

By 

Norman R. Klivans

Registration No.: 33,003

MORRISON & FOERSTER LLP

755 Page Mill Road

Palo Alto, California 94304-1018

(650) 813-5850